

**United States District Court**  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

SIMPLEAIR, INC.

v.

AWS CONVERGENCE  
TECHNOLOGIES, INC., ET AL.

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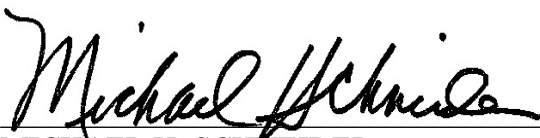
Case No. 2:09-cv-289

**ORDER OF CLARIFICATION**

The Court previously limited exhibit lists to more than 200 exhibits per party. *See* Doc. No. 505. The 200 exhibit limitation does not include impeachment evidence or exhibits that the attorneys could not have reasonably anticipated as rebuttal evidence. *See* Doc. No. 450 (“**Failure to list a witness, exhibit, or deposition excerpt as required by this order** will be grounds for exclusion of that evidence. This does not apply to testimony, exhibits, or deposition excerpts offered for impeachment; further, the use of unlisted witnesses, exhibits, or deposition excerpts for rebuttal will be permitted if the attorneys could not have reasonably anticipated their need for that evidence”). However, prior to introducing any evidence not listed on an exhibit list, the party must first approach the bench and demonstrate that the evidence is (1) for impeachment or rebuttal purposes; and (2) evidence which the party could not have reasonably anticipated the need for at trial. Evidence failing to meet this standard or evidence presented to circumvent the Court’s disclosure requirements or exhibit list limitations will be excluded.

**It is SO ORDERED.**

**SIGNED this 17th day of April, 2012.**

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE